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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

05CXT0076WL (50337-1340)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed name _____

Application Number

10/621,557

Filed

July 17, 2003

First Named Inventor

Fischer, et al.

Art Unit

2616

Examiner

Moore, Ian N.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
 See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
 (Form PTO/SB/96)

☒ attorney or agent of record. _____
 Registration number 55,012

☐ attorney or agent acting under 37 CFR 1.34. _____
 Registration number if acting under 37 CFR 1.34 _____

/ s/fb/

Signature
 Anthony F. Bonner, Jr.

Typed or printed name
 (770) 933-9500

Telephone number
 February 14, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
 Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Fischer, et al.

Serial No.: 10/621,557

Filed: July 17, 2003

Confirmation No.: 1331

Group Art Unit: 2616

Examiner: Moore, Ian N.

Docket No.: 50337-1340

For: Dynamic Assignment of Station Addresses Transmitted Over Shared-Communication Channels

REMARKS IN SUPPORT OF PRE-APPEAL BRIEF CONFERENCE

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant submits the following remarks in support of a Request for a Pre-Appeal Brief Conference.

REMARKS

Applicant submits that the following clear legal deficiency exists in the rejection. Namely, the previous Office Action equates "assigning an association identifier to said station" with assigning an association identifier to a transmission stream, which are two functions that are technically very different from each other. Furthermore, the instant claims recite, among other elements, "wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier." Even if the cited reference, *Donaghey*, discloses using the stream identifier as part of the address, as pointed out on page 2 of the Advisory Action mailed January 23, 2008, *Donaghey* fails to disclose that "wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier" where the association identifier is associated with a station. Therefore, *Donaghey* fails to anticipate the claims..

I. Status

Claims 1-3, 5-8, 10-13, 15-18, and 20 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Donaghey* (U.S. Patent No. 6,804,232). Claims 4, 9, 14, and 19 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Donaghey* (U.S. Patent No. 6,804,232) in view of *Cannon* (U.S. Patent No. 6,067,444).

II. Rejections of Independent Claims 1, 6, 11, and 16 Under 35 U.S.C. §102

Independent claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Donaghey* (U.S. Patent No. 6,804,232). Applicant

respectfully submits that independent claim 1 is allowable for at least the reason that *Donaghey* does not disclose, teach, or suggest at least **receiving a third frame from said station via said local area network, wherein said third frame uses a second address, rather than said first address, as the medium access control address for said station in said local area network; wherein said second address is a combination of (1) a portion of said first address and (2) at least a portion of said association identifier**. Even if, assuming for the sake of argument, *Donaghey* discloses using a second address using a combination of a first address and an identifier associated with a stream, *Donaghey* fails to disclose wherein the second address is a combination of a portion of the first address and at least a portion of the association identifier, where the identifier is associated with a station. In *Donaghey*, the stream number is assigned to the communication received or sent from the PEA; the stream number is not assigned to the PEA itself. Additionally, multiple streams with various stream numbers may be sent from a particular PEA. Conversely, according to the instant claim, the association identifier is assigned to the *station*. Therefore, *Donaghey* does not anticipate independent claim 1, and the rejection should be withdrawn for at least that reason.

Independent claims 6, 11, and 16 are allowable for similar reasons. Dependent claims 2-5, 7-10, 12-15, and 17-20 are allowable for at least the reason that dependent claims 2-5, 7-10, 12-15, and 17-20 contain all the features of independent claims 1, 6, 11, and 16.

CONCLUSION

For at least the reasons set forth above, favorable reconsideration and allowance, or the re-opening of prosecution on the merits of the present application and all pending claims are hereby courteously requested.

Respectfully submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

/afb/

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